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3	(619) 234-8729	
4	Attorney State Bar No. 51611	
5	Attorney for Material Witness: ERMELINDO OLLUA-NAVA	
6	ERMELINDO OLLOA-NAVA	
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8	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA	
9	(Honorable LOUISA PORTER)	
10		CRIMINAL CASE 08CR1551-JAH MAGISTRATE CASE 08MJ1421-POR
11	ý	DATE: June 10, 2008 TIME: 2:00 P.M.
12	Plaintiff, )	COURTROOM H
13	v.	DECLARATION OF ATTORNEY AL SMITHSON IN SUPPORT
14	ROSALIO ALTATORRE, Jr, OSCAR IGNACIO BARRERA-SANTANA	OF MOTION FOR ORDER SETTING VIDEO DEPOSITION
15	) )	OF MATERIAL WITNESS
16	) )	ERMELINDO OLLUA-NAVA
17	Defendants.	
18	)	
19		
20		
21	I.	
22	INTRODUCTION	
23		
24	I, AL SMITHSON, declare that I am an attorney, duly licensed	
25	to practice law in the State of California and in the United States	
26	District Court for the Southern District of California;	
27	I am making this declaration on behalf of the material	
28	witness, ERMELINDO OLLUA-NAVA, who was arrested on or about May 1,	

2008, and has remained in custody since that date. The material witness has no friends, neighbors, or acquaintances in the United States who can qualify as an acceptable surety to accommodate his release from custody.

Material witness ERMELINDO OLLUA-NAVA came to the United States to seek employment to help support his family.

The material witness will have been in custody for 41 days as of the hearing date of this motion. To continue to remain in custody imposes an extreme hardship on the material witness and on his family.

In view of these facts, material witness ERMELINDO OLLUA-NAVA seeks an Order for a video deposition from this Court. I have fully explained the procedures involved in this deposition process and received his promise of full cooperation in the video deposition process.

I am unaware of any reason why this witness should not be released from custody in this case after the video deposition pursuant to Rule 15 (a) of the Federal Rules of Criminal Procedure, and am further unaware of the existence of a statement of such reason by any other attorney on this case.

I believe it would be in the interests of justice to allow the testimony of this material witness in question to be secured by video deposition and to thereafter release the material witness to prevent them from suffering custody any longer than necessary in order to further justice in this case.

I declare under penalty of perjury that the foregoing is true and correct.